



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Larry Lawson  
VADEQ  
P.O. Box 10009  
Richmond, VA 23240

Re: Muddy Creek, Rockingham County  
TMDL for Nitrate

Dear Mr. Lawson:

The Environmental Protection Agency (EPA) Region III, is pleased to approve the Muddy Creek Watershed TMDL, originally sent to EPA by e-mail dated April 07, 2000 with the addendum submitted on April 27, 2000. The addendum was sent in response to EPA's comments which were sent (and e-mailed) on April 13, 2000. This TMDL was established and submitted in accordance with section 303 (d)(1)(c) and (2) of the Clean Water Act. The TMDL was established to address an impairment of water quality as identified in Virginia's 1998 Section 303 (d) list. Virginia identified the impairment for this water quality-limited segment of the Muddy Creek Watershed based on exceedances of the nitrate water quality standard.

In accordance with Federal Regulations in 40 CFR §130.7, a TMDL must be designed to meet water quality standards, and (1) include, as appropriate wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources, (2) consider the impacts of background pollutant contributions, (3) take critical stream conditions into account (the conditions when water quality is most likely to be violated), (4) consider seasonal variations, (5) include a margin of safety (which accounts for uncertainties in the relationship between pollutant loads and instream water quality), and be subject to public participation. The enclosure to this letter describes how the Muddy Creek Watershed TMDL satisfies each of these requirements.

Following the approval of this TMDL, Virginia shall incorporate the TMDL into the Water Quality Management Plan pursuant to 40 CFR § 130.7(d)(2). As you know, any new or revised National Pollutant Discharge Eliminations Systems (NPDES) permit must be consistent with the TMDLs Waste Load Allocation pursuant to 40 CFR §122.44 (d)(1)(vii)(B). Therefore, when the Wampler Foods Incorporated permit comes up for reissuance it is expected to be consistent with the

WLA of the TMDL report (without a compliance schedule). Please submit all such permits to EPA for review as per EPA's letter dated October 1, 1998.

If the allocation and implementation plans associated with the previously approved fecal coliform TMDL reduce the nitrate concentration in Muddy Creek so that standards are attained, the State and EPA should explore the possibility of using these plans for the nitrate TMDL. If you have any further questions, please call me or have your staff contact Mr. Thomas Henry, the TMDL Program Manager at 215-814-5752.

Sincerely,

Joseph Piotrowski, Acting Director  
Water Protection Division

Enclosures

